



PATENT
716042.13

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Thayer A. Coburn	:	Examiner: Andrew T. Piziali
	:	
Serial No.: 10/707,616	:	Group Art Unit: 1771
	:	
Filed: December 24, 2003	:	Attorney Docket No.: 716042.13
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RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the Restriction Requirement dated October 4, 2005, Applicant hereby elects for prosecution at this time all Group II claims, namely, claims 11-26 and 30-39, which are drawn to a process for creating a label. The election of Group II claims is made with traverse without prejudice to the elected Group II claims and without prejudice to the non-elected Group I and III claims.

It is respectfully submitted that the non-elected Group III are closely related to the elected Group II claims since the Group II claims are directed to a process for creating a label for a product utilizing a computer system. In addition, elected independent claims 11, 24 and 26 specifically recite the use of a computer database within the computer system for accomplishing



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PTO/SB/21 (09-04)

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/707,616	
	Filing Date	December 24, 2003	
	First Named Inventor	Thayer A. Coburn	
	Art Unit	1771	
	Examiner Name	Andrew T. Piziali	
Total Number of Pages in This Submission	3	Attorney Docket Number	716042.13

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below); return postcard
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	Remarks:	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Blackwell Sanders Peper Martin, LLP		
Signature			
Printed Name	Samuel Digirolamo		
Date	21 Oct 05	Reg. No.	29,915

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as Express Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. Express Mail Label No.:			
Signature			
Typed or printed name	Jennifer Wheatley	Date	21 Oct 05

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

certain tasks. The Group III claims are directed to the same computer system and the same computer database as recited in the elected Group II claims. Still further, elected claims 30-39 likewise recite a process in a computer system and elected claims 35-39 specifically recite the use of electronic files and a global computer network for accessing such electronic files, all of which are likewise closely related to non-elected Group III claims which are directed to a computer-readable medium containing the data structure utilizing a computer system. It is therefore respectfully submitted that the invention set forth in the Group II and Group III claims can be easily searched in one search effort since all of these claims recite similar computer elements. Since the subject matter covered by the non-elected Group III claims is so closely related to the subject matter of the elected Group II claims, it would place an undue burden on Applicant to have to prosecute applications with respect thereto. Applicant therefore respectfully requests withdrawal of the restriction requirement as to the non-elected Group III claims.

In similar fashion, since the Group II claims relating to a process have been elected, if a process claim is subsequently found allowable, withdrawn product claims that depend from or otherwise include all of the limitations of the allowable process claim should be rejoined and reconsidered for inclusion in this application. Therefore, Applicant is respectfully requesting that rejoinder of the Group I claims be reconsidered upon indication of allowable subject matter with respect to the elected Group II process claims based upon the same arguments and rationale set forth in MPEP A21.04

Because Applicant may wish to pursue claims of the non-elected Groups at a later date by Divisional Application, if necessary, it is requested that these claims, pursuant to 37 CFR 1.142, be permitted to remain in the application, but withdrawn from examination.

Application of: Thayer A. Coburn
Serial No.: 10/707,616
Response to Restriction Requirement

This response does not present any new matter. Accordingly, as all requirements of the Action have been complied with, an action on the merits and a Notice of Allowance are hereby respectfully solicited.

If any issue regarding the allowability of any of the pending claims in the present application could be readily resolved, or if other action could be taken to further advance this application such as an Examiner's amendment, or if the Examiner should have any questions regarding the present amendment, it is respectfully requested that the Examiner please telephone Applicant's undersigned attorney in this regard.

It is respectfully noted that Mr. Kevin Kercher is no longer associated with this firm, and is no longer Applicant's attorney. All future correspondence should be directed to the undersigned attorney.

Respectfully submitted,

Date: _____

2/02/05



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